

REMARKS

Claims 1-3, 5-8, and 10-13 are currently pending. The Examiner's reconsideration of the rejections is respectfully requested in view of the remarks.

Claims 1-2, 4, 6-7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dyke et al. (US 2004/0153497) in view of DiBiasio et al. (US 7,225,271). The Examiner stated essentially that the combined teachings of Van Dyke and DiBiasio teach or suggest all the limitations of Claims 1-2, 4, 6-7, 9, and 11.

Claims 1 and 6 claim, *inter alia*, "allocating SIP call control server processing resources to each queue according to a pre-defined policy associated with the message types, wherein the step of allocating SIP call control server processing resources comprises allocating a percentage of the SIP call control server processing resources to each of the queues; and leaking the messages from at least one of the queues for enforcing a message overload protection for the associated message type; and leaking the messages from at least one of the queues for enforcing a message overload protection for the associated message type." Claim 11 claims, "a plurality of queues associated to the message types, wherein the messages are placed in one of the plurality of queues according to a classification of the message and leaked from at least one of the queues for enforcing a message overload protection for the associated message type" and "a scheduler for allocating SIP call control server processing resources to each queue according to a pre-defined policy associated with a corresponding message type, wherein the queues are allocated a percentage of the SIP call control server processing resources."

Van Dyke teaches that an application processor (AP) is selected to handle a SIP message according to a requested service type (see paragraph [0025]). Van Dyke does not teach or suggest "leaking the messages from at least one of the queues for enforcing a message overload

protection for the associated message type” as claimed in Claims 1 and 6, nor “a plurality of queues associated to the message types, wherein the messages are placed in one of the plurality of queues according to a classification of the message and leaked from at least one of the queues for enforcing a message overload protection for the associated message type” as claimed in Claim 11. Van Dyke teaches that an AP is selected to handle a SIP message according to a requested service type (see paragraph [0025]). Van Dyke is silent on the topic of message overload protection. Therefore, Van Dyke fails to teach or suggest all the limitations of Claims 1, 6, and 11.

DiBiasio teaches a token bucket rate constant specifying a rate in bytes/second, a token bucket size constant specifying a size in bytes/second (see for example, col. 10, lines 14-34). DiBiasio does not teach or suggest, “leaking the messages from at least one of the queues for enforcing a message overload protection for the associated message type” as claimed in Claims 1 and 6, nor “a plurality of queues associated to the message types, wherein the messages are placed in one of the plurality of queues according to a classification of the message and leaked from at least one of the queues for enforcing a message overload protection for the associated message type” as claimed in Claim 11. DiBiasio’s uses one bucket for indicating a data rate and one bucket for indicating a size of data (see FIG. 8). Neither of the buckets of DiBiasio leak, essentially as claimed in Claims 1, 6, and 11. Therefore, DiBiasio fails to cure the deficiencies of Van Dyke.

The combined teachings of Van Dyke and DiBiasio fail to teach or suggest a method or means for overload protection, much less “leaking the messages from at least one of the queues for enforcing a message overload protection for the associated message type” as claimed in Claims 1 and 6, nor “a plurality of queues associated to the message types, wherein the messages are placed in one of the plurality of queues according to a classification of the message and leaked from at least one of the queues for enforcing a message overload protection for the

associated message type” as claimed in Claim 11. Therefore, Claims 1, 6 and 11 are believed to be allowable.

Claims 2 and 5 depend from Claim 1. Claim 7 depend from Claim 6. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 6.

Reconsideration of the rejection is respectfully requested. Claims 4 and 9 have been canceled.

Claims 1-2, 6-7, and 11

Claims 3 and 8 have been rejected under 35 USC 103(a) as being unpatentable over Van Dyke in view of DiBiasio et al. (US 7,225,271). The Examiner stated essentially that the combined teachings of Van Dyke and DiBiasio teach or suggest all the limitations of Claims 3 and 8.

Claims 3 and 8 depend from Claims 1 and 6, respectively. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 6. Reconsideration of the rejection is respectfully requested.

Claims 5 and 10 have been rejected under 35 USC 103(a) as being unpatentable over Van Dyke in view of DiBiasio, and further in view of D’Souza et al. (US Patent App. No. 2004/0236966). The Examiner stated essentially that the combined teachings of Van Dyke, DiBiasio, and D’Souza teach or suggest all the limitations of Claims 4, 5, 9 and 10.

Claims 5 and 10 depend from Claims 1 and 6, respectively. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 6. Reconsideration of the rejection is respectfully requested.

Claims 12 and 13 depend from Claim 1. Claims 14 and 15 depend from Claim 6. The dependent claims are believed to be allowable for at least the reasons given for the respective independent claims.

For the foregoing reasons, the application, including Claims 1-3, 5-8, and 10-13, is believed to be in condition for allowance. Early and favorable reconsideration of the objection is respectfully requested.

Respectfully submitted,

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